

ORDINANCE NO. 2013-45-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE R1 FROM TO GB**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY
OF TIPPECANOE, INDIANA;

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance not a part of the unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to-wit:

Section 2. The real estate described above should be and the same is hereby rezoned from R1 to
GB.

Section 3. This ordinance shall be in full force and effect from and after its passage. (Adopted
and Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 2nd day of
December, 2013.

VOTE:

Y
Y
Y

David S. Byers
President - DAVID S. BYERS
John L. Knochel
Vice President - JOHN L. KNOCHER
Thomas P. Murtough
Member - THOMAS P. MURTAUGH

ATTEST:

Jennifer Weston

Legal Description

Sixty (60) acres off of the North end of the East half of the Northwest Quarter of Section Eleven (11), in Township Twenty-three (23) North, Range Five (5) West.

ALSO: Sixty (60) acres off the North end of the West Half of the Northeast Quarter of Section Eleven (11), in Township Twenty-three (23) North, Range Five (5) West, and containing in all one hundred twenty (120) acres, more or less.

Located in Wabash Township, Tippecanoe County, Indiana,

Except: A part of the Northwest Quarter of Section 11, Township 23 North, Range 5 West in Wabash Township, Tippecanoe County, Indiana, more completely described as follows:

Beginning at a point which is 662.50 feet North and 1306.6 feet North 89° 22' East of the Southwest corner of said Northwest Quarter and running thence North 00° 06' 00" East 1310.86 feet to an iron pipe; thence North 00° 01' 13" West 657.62 feet to an iron pipe on the North line of said Northwest Quarter; thence North 89° 29' 09" East along said North line of Quarter 666.39 feet to an iron pipe; thence South 00° 06' 00" West 1960.56 feet to an iron pipe; thence South 88° 48' 06" West 665.13 feet to a nail in the top of a concrete post at the point of beginning, containing 30.000 acres.

ALSO EXCEPT: a part of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, in Wabash Township, Tippecanoe County, Indiana and more completely described as follows:

Beginning at a point that is 1060.19 feet South 00° 11' 14" West on the West line of said Northeast Quarter and 86.83 feet North 87° 35' 10" East of the Northwest corner of said Northeast Quarter; thence North 87° 35' 10" East 388.43 feet to an iron pipe on the centerline of McCormick Road; thence South 23° 49' 56" East 126.68 feet on said centerline to an iron pipe; thence in a Southeasterly direction on a curve to the right (said curve having a radius of 800.362 feet) 219.98 feet to an iron pipe on the point of tangent; thence South 87° 10' West 501.09 feet to an iron pipe; thence North 00° 11' 14" East and parallel to the West line of said Northeast Quarter 331.47 feet to an iron pipe on the point of beginning; containing 3.450 acres. Containing after said exceptions a total of 86.05 acres, more or less.

AND

A part of the Northeast Quarter of Section Eleven (11), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being part of a 34.274 acre tract of land described in Warranty Deed to Bethel Christian Life Center, Inc., Instrument Number 05000247, recorded January 5, 2005 in the Office of the Tippecanoe County Recorder (hereinafter referred to as the Bethel property), and being designated as Transfer Tract 1 as depicted on a Boundary Survey by John E. Fisher and Associates, P.C. Commission No. 07.69.3, dated July 31, 2009, Instrument Number 200909024945, recorded November 30, 2009 in said Recorder's Office, more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 11-23N-5W, said point being marked by a Berntsen A1NB aluminum monument; thence South 87° 45' 44" West along the South line of the East half of said Northeast Quarter 891.97 feet to the southeast corner of the above described Bethel property, being marked by a 5/8 inch rebar with a plastic cap stamped "RWG 880043", hereinafter referred to as a Gross capped rebar; thence

North 00° 21' 08" East along the east line of said Bethel property 1674.76 feet to the north Right-of-Way line of Cumberland Avenue and the Point of Beginning of the herein-described tract, said point being marked by a 5/8 inch rebar with a plastic cap stamped "FISHER P.C. 5092" hereinafter referred to as a Fisher capped rebar; thence South 58° 38' 00" West along said north Right-of-Way line 494.21 feet to a Fisher capped rebar on the West line of said East half; thence North 00° 19' 50" East along said West line 1221.00 feet to a Fisher capped rebar at the Northwest corner of said East half; thence North 88° 49' 25" East along the North line of said East half 421.00 feet to a Gross capped rebar; thence along the east line of said Bethel property South 00° 21' 08" West 972.40 feet to the point of beginning, containing 10.591 acres, more or less.

EXCEPT

A part of the Northeast Quarter of Section Eleven (11), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being part of a 56.55 acre tract of land described in a Trustee's Deed to F. Lynn Cason, Jr., TTEE, Instrument Number 9502114, recorded February 10, 1995 in the Office of The Tippecanoe County Recorder; then by Warranty Deed to F. Lynn Cason, Jr., as Trustee of the F. Lynn Cason, Jr. Marital Trust, under trust agreement dated July 29, 1992, dated August 18, 2009 and recorded August 19, 2009 as Document No. 200909018224, and being designated as Transfer Tract 2 as depicted on a Boundary Survey by John E. Fisher and Associates, P.C., Commission No. 07.69.3, dated July 31, 2009, Instrument Number 200909024945, recorded November 30, 2009 in said Recorder's Office, more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 11-23N-5W, said point being marked by a Berntsen A1NB aluminum monument; thence South 87° 45' 44" West along the South line of the East half of said Northeast Quarter 1253.76 feet to a 5/8 inch rebar with a plastic cap stamped "FISHER P.C. 5092", hereinafter referred to as a Fisher capped rebar, on a non-tangent curve to the left, having a radius of 3465.00 feet and a central angle of 4° 39' 07", said curve being the east Right-of-Way line of US Highway 231; thence northwesterly along said curve and along said east Right-of-Way line an arc distance of 281.33 feet to a Fisher capped rebar (said arc being subtended by a chord having a bearing of North 29° 02' 27" West and a length of 281.25 feet); thence North 31° 22' 00" West along said east Right-of-Way line 480.56 feet to a Fisher capped rebar on the north line of a 34.274 acre tract of land described in a Warranty Deed to Bethel Christian Life Center, Inc., Instrument Number 05000247, recorded January 5, 2005 in the Office of the Tippecanoe County Recorder, and the Point of Beginning of the herein described tract; thence continuing North 31° 22' 00" West along said east Right-of-Way line 316.92 feet to the south Right-of-Way line of Cumberland Avenue; thence along the south Right-of-Way line of Cumberland Avenue the following three (3) courses:

- (1) North 58° 38' 00" East 59.02 feet;
- (2) North 50° 38' 18" East 179.75 feet;
- (3) North 58° 38' 00" East 364.36 feet to the West line of the East half of said Northeast Quarter; thence South 00° 19' 50" West along said West line 596.83 feet to a 5/8 inch rebar with a plastic cap stamped "RWG 880043" on the north line of said 34.274 acre tract; thence South 88° 35' 36" West along said north line 332.17 feet to the Point of Beginning, containing 4.550 acres, more or less.

EXCEPT

A part of the Northeast Quarter of Section Eleven (11), Township Twenty-three (23) North, Range Five (5) West, Wabash Township, Tippecanoe County, Indiana, being part of a 56.55 acre tract of land described in a Trustee's Deed to F. Lynn Cason, Jr. TTEE, Instrument Number 9502114, recorded February 10, 1995 in the Office of the Tippecanoe County Recorder; then by Warranty Deed to F. Lynn Cason, Jr., as Trustee of the F. Lynn Cason, Jr. Marital Trust, under trust agreement dated July 29, 1992, dated August 18, 2009 and recorded August 19, 2009 as Document No. 200909018224, (hereinafter referred to as the Cason property), and being designated as Transfer Tract 2A(overlap) as depicted on a Boundary Survey by John E. Fisher and Associates, P.C., Commission No. 07.69.3, dated July 31, 2009, Instrument Number 200909024945, recorded November 30, 2009 in said Recorder's Office, more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of said Section 11-23N-5W, said point being marked by a Berntsen A1NB aluminum monument; thence South $87^{\circ} 45' 44''$ West along the South line of the East half of said Northeast Quarter 1253.76 feet to a 5/8 inch rebar with a plastic cap stamped "FISHER P.C. 5092", hereinafter referred to as a Fisher capped rebar, on a non-tangent curve to the left, having a radius of 3465.00 feet and a central angle of $4^{\circ} 39' 07''$, said curve being the east Right-of-Way line of US Highway 231; thence northwesterly along said curve and along said east Right-of-Way line an arc distance of 281.33 feet to a Fisher capped rebar (said arc being subtended by a chord having bearing of North $29^{\circ} 02' 27''$ West and a length of 281.25 feet); thence North $31^{\circ} 22' 00''$ West along said east Right-of-Way line 461.98 feet to the south line of the above described Cason property and the Point of Beginning of the herein-described tract; thence continuing North $31^{\circ} 22' 00''$ West along said east Right-of-Way line 18.58 feet to a Fisher capped rebar on the north line of a 34.274 acre tract of land described in a Warranty Deed to Bethel Christian Life Center, Inc., Instrument Number 05000247, recorded January 5, 2005 in the Office of the Tippecanoe County Recorder; thence North $88^{\circ} 35' 36''$ East along the north line of said 34.274 acre tract 332.17 feet to a 5/8 inch rebar with a plastic cap stamped "RWG 880043" on the West line of the East half of said Northeast Quarter; thence South $00^{\circ} 19' 50''$ West along said West line 15.70 feet to the south line of said Cason property; thence South $88^{\circ} 31' 16''$ West along the south line of said Cason property 322.41 feet to the Point of Beginning, containing 0.120 acres, more or less.

EXCEPT- (State of Indiana Right of Ways)

A part of the West Half of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being that part of the grantor's land lying within the right-of-way, described as follows: Beginning on the west line of said quarter section South 0 degrees 09 minutes 22 seconds East 269.56 feet from the northwest corner of said quarter section, said northwest corner being designated as point "210" on said plat; thence Southeasterly 454.25 feet along an arc to the left and having a radius of 1,467.02 feet and subtended by a long chord having a bearing of South 22 degrees 29 minutes 46 seconds East and a length of 452.44 feet to point "1058" designated on said plat; thence South 31 degrees 22 minutes 00 seconds East 173.52 feet to point "1057" designated on said plat; thence South 86 degrees 45 minutes 20 seconds East 114.44 feet to a point on the southwestern boundary of McCormick Road being designated as point "1056" on said plat; thence North 65 degrees 46 minutes 33 seconds East 22.00 feet to a point on the northeastern boundary of said McCormick Road designated as point "1344" on said plat; thence South 24 degrees 13 minutes 27 seconds East 343.86 feet along the

boundary of said McCormick Road to point "1325" designated on said plat; thence Southeasterly along said boundary 207.66 feet along an arc to the right and having a radius of 748.85 feet and subtended by a long chord having a bearing of South 16 degrees 16 minutes 47 seconds East and a length of 207.00 feet to point "1324" designated on said plat; thence South 8 degrees 20 minutes 08 seconds East 65.08 feet along said boundary to point "1337" designated on said plat; thence North 89 degrees 30 minutes 26 seconds East 24.56 feet to point "1055" designated on said plat; thence south 31 degrees 22 minutes 00 seconds East 119.50 feet to point "1390" designated on said plat; thence North 66 degrees 14 minutes 39 seconds East 311.77 feet to point "1391" designated on said plat; thence North 58 degrees 38 minutes 00 seconds East 381.99 feet to a point on the east line of said half-quarter section designated as point "1392" on said plat; thence South 0 degrees 20 minutes 14 seconds West 170.43 feet along said east line to point "1393" designated on said plat; thence South 58 degrees 38 minutes 00 seconds West 364.12 feet to point "1394" designated on said plat; thence South 50 degrees 20 minutes 55 seconds West 180.44 feet to point "1395" designated on said plat; thence South 58 degrees 38 minutes 00 seconds West 58.77 feet to point "1396" designated on said plat; thence South 31 degrees 22 minutes 00 seconds East 316.25 feet to the south line of the North 60-acres of said half-quarter section; thence South 88 degrees 41 minutes 34 seconds West 963.75 feet along said south line to the west line of said quarter section; thence North 0 degrees 09 minutes 22 seconds West 5.27 feet along said west line; thence North 58 degrees 38 minutes 03 seconds East 140.42 feet to point "1388" designated on said plat; thence North 52 degrees 07 degrees 10 seconds East 313.00 feet to point "1389" designated on said plat; thence North 31 degrees 22 minutes 00 seconds West 388.11 feet to a point on the south line of the 3.450-acre exception described in Instrument Number 9502113 and Instrument Number 9502114 designated as point "1122" on said plat; thence North 86 degrees 48 minutes 58 seconds East 421.20 feet along said south line to the centerline of said McCormick Road; thence along said centerline Northwesterly 216.39 feet (219.98 feet by said Instrument Number 9502113 and 9502114) along an arc to the left and having a radius of 800.36 feet and subtended by a long chord having a bearing of North 16 degrees 31 minutes 59 seconds West and a length of 215.73 feet; thence North 24 degrees 10 minutes 58 seconds West 126.68 feet along said centerline to the northeast corner of said 3.450-acre exception; thence South 87 degrees 14 minutes 08 seconds West 388.43 feet along the north line of said 3.450-acre exception to the northwest corner of said 3.450-acre exception; thence South 0 degrees 09 minutes 48 seconds East 185.90 feet along the west line of said 3.450-acre exception to point "1124" designated on said plat; thence North 31 degrees 22 minutes 00 seconds West 167.44 feet to the west line of said quarter section; thence North 0 degrees 09 minutes 22 seconds West 829.37 feet along said west line to the point of beginning and containing 13.927 acres, more or less, inclusive of the presently existing right of way, which contains 0.508 acres, more or less.

ALSO EXCEPT

A part of the East Half of the Northwest Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being that part of the grantor's land lying within the right-of-way lines described as follows: Beginning on the north line of said section South 88 degrees 45 minutes 03 seconds West 38.55 feet from the northeast corner of said quarter section, said northeast corner being designated as point "210" on said plat; thence Southeasterly 271.96 feet along an arc to the left and having a radius of 1,467.02 feet and subtended by a long chord having a bearing of South 8 degrees 18 minutes 53 seconds East and a length of 271.57 feet to the east line of said quarter section; thence South 0 degrees 09 minutes 22 seconds East 829.37 feet along said east line; thence North 31 degrees 22 minutes 00 seconds West 262.31 feet to point "1125" designated on said plat; thence Northwesterly 915.45 feet along an arc to the right

and having a radius of 1,827.02 feet and subtended by a long chord having a bearing of North 17 degrees 00 minutes 44 seconds West and a length of 905.90 feet to the north line of said section; thence North 88 degrees 45 minutes 03 seconds East 360.14 feet along said north line to the point of beginning and containing 6.352 acres, more or less.

EXCEPT

A part of the East Half of the Northwest Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning on the east line of said quarter section South 0 degrees 09 minutes 22 seconds East 1,979.70 feet from the northeast corner of said quarter section, said northeast corner being designated as point "210" on said plat; thence South 0 degrees 09 minutes 22 seconds East 5.27 feet along said east line to the south line of the North 60-acres of said half-quarter section; thence South 88 degrees 41 minutes 34 seconds West 9.00 feet along said south line to point "1397" designated on said plat; thence North 58 degrees 38 minutes 03 seconds East 10.52 feet to the point of beginning and containing 0.001 acres, more or less.

EXCEPT

A part of the West Half of the Northeast Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana, and being a part of the grantor's lands lying outside the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the northwest corner of said quarter section, said northwest corner being designated at point "210" on said plat; thence North 88 degrees 40 minutes 36 seconds East 8.28 feet along the north line of said section to the southwestern boundary of McCormick Road; thence along the boundary of said McCormick Road Southeasterly 83.57 feet along an arc to the left and having a radius of 430.31 feet and subtended by a long chord having a bearing of South 18 degree 39 minutes 38 seconds East and a length of 83.44 feet; thence South 24 degrees 13 minutes 27 seconds East 837.04 feet along said boundary to point "1056" designated on said plat; thence North 86 degrees 45 minutes 20 seconds West 114.44 feet to point "1057" designated on said plat; thence North 31 degrees 22 minutes 00 seconds West 173.52 feet to point "1058" designated on said plat; thence Northwesterly 454.25 feet along an arc to the right and having a radius of 1,467.02 feet and subtended by a long chord having a bearing of North 22 degrees 29 minutes 46 seconds West and a length of 452.44 feet to the west line of said quarter section; thence North 0 degrees 09 minutes 22 seconds West 269.56 along said west line to the point of beginning and containing 2.148 acres, more or less.

A part of the East Half of the Northwest Quarter of Section 11, Township 23 North, Range 5 West, Tippecanoe County, Indiana and being a part of the grantor's land lying outside the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at the northeast corner of said quarter section, said northeast corner being designated as point "210" on said plat; thence South 0 degrees 09 minutes 22 seconds East 269.56 feet along the east line of said quarter section; thence Northwesterly 271.96 feet along an arc to the right and having a radius of 1,467.02 feet and subtended by a long chord having a bearing of North 8 degrees 18 minutes 53 seconds West and a length of 271.57 feet to the north line of said section; thence North 88 degrees 45 minutes 03 seconds East 38.55 feet to the point of beginning and containing 0.145 acres, more or less.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

November 21, 2013
Ref. No.: 13-357

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

RE: Z-2557 F. LYNN CASON, JR. TRUST (R1 TO GB):

Petitioner is requesting rezoning of 68.6 acres located at the northeast and northwest corners of the new intersection of Cumberland Avenue and US 231, Wabash 11 (N1/2) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2013, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/bkz

Enclosures: Staff Report and Ordinance

cc: Joseph Bumbleburg
F Lynn Cason
Terri Griffin, INDOT

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by Joseph Bumbleburg of Ball Eggleston, is requesting rezoning of 68.6 acres from R1 to GB. The almost 70 acres is located in two tracts: 23 acres at the northwest corner of the new US 231 and the (yet-to-be-opened) Cumberland extension and the remaining 45 acres located at the northeast corner, abutting Pine View farms to the north. The property is currently part of unincorporated Wabash Township 11 (NW & NE) 23-5 but is part of West Lafayette's proposed annexation that will be finalized early next year.

ZONING HISTORY AND AREA ZONING PATTERNS:

The entirety of the property is currently zoned R1, single-family residential. Earliest zoning maps indicate the area was historically zoned R1.

That zoning pattern changed in 2010 when 20 acres was rezoned from R1 to GB for a proposed (now built) church at the southeast corner of US 231 and Cumberland (Z-2461). Then, in the following year, 10 acres on the north side of Cumberland extension was successfully rezoned to R3 (Citation Homes, Z-2479) and 20 acres rezoned to NB (amended from GB) at the southwest corner of Cumberland and US 231 (Citation Homes, Z-2480)

Two unsuccessful rezones were attempted in 2002 for R3 zoning; one was withdrawn and the other denied by the County Commissioners (Z-2075 and -2094 respectively).

AREA LAND USE PATTERNS:

Except for the church at the southeast corner of the intersection, the remaining three corners are undeveloped. Residential subdivisions surround this intersection with Point West mobile home park and Copper Beech townhomes to the west, Wake Robin and Sherwood Forest to the south and Pine View Farms and Carrington Estates to the north. The historic brick schoolhouse located near the intersection will remain and is a part of the GB rezone.

TRAFFIC AND TRANSPORTATION:

The new, four lane limited access US 231 opened in September of 2013. The Cumberland Extension has a projected open date of April 26, 2014, but county officials hope to improve on that timeline, weather permitting.

The eastern tract has two approved access points on Cumberland extension as shown on the construction plans. The western tract does not have access and will have to coordinate with the property owner farther to the west. No access will be granted from US 231.

CityBus has no plans to extend bus service or alter bus routes to accommodate this area.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Where proposed GB zoning abuts residential zoning, a 20' Type C bufferyard will be required. This is on the south and west sides of the western tract and the north and east sides of the eastern tract.

There are two areas of Palustrine type wetlands located on petitioner's site: a small area of gravelly wetlands abutting US 231 on the west and a large area on the north side of the west tract located in the wooded area.

Three agencies have jurisdiction over wetlands: the USDA (Department of Agriculture), Army Corps of Engineers and IDEM (Indiana Department of Environmental Management). In this case, the USDA might have an interest because of the current crop production component of the property. The USACE will not have jurisdiction because there is no navigable body of water. Finally, IDEM, which has jurisdiction over wetlands under Section 401 of the Indiana Isolated Wetlands Law, may require a permit. When the property is developed, a wetland delineation and mitigation plan will need to be approved by those agencies, as well as any future Drainage Board requirements.

STAFF COMMENTS:

Staff has long contemplated a commercial future for this intersection of US 231 and Cumberland extension. As evidenced by the last three successful commercial rezones, the Plan Commission and community agrees with that vision.

These tracts of land represent some of the only large, developable ground in (what will soon be) West Lafayette. This intersection will serve as an entrance to the city and represents an important opportunity to create a gateway for our community.

That being said, as is consistent with staff's vision, the US 52 corridor study exercise, approved rezones and emerging development patterns, commercial zoning is appropriate for this intersection. However, staff has concern about the intensity of the zone requested and its proximity to both Pine View Farms and Carrington Estates adjacent to eastern tract on the north. NB zoning would still allow many of the same uses as GB, but the uses would be the type more convenient to and compatible with nearby residences. Also, NB would better protect them by limiting the uses, outdoor storage and square footage of allowable commercial developments. In a meeting with petitioner and his representative, staff suggested applying rezoning commitments to the site to limit potential adverse impact land uses near the existing subdivisions or

amending the portion of the request that abuts residential to NB instead of GB. Those suggestions were met with resistance.

At this point, staff sees several red flags regarding this request. The first is that this property is in transition; it is currently in unincorporated Tippecanoe County. If the timeline for this rezone request advances as petitioner expects, the jurisdiction to vote on the request will be the County Commissioners. However, a few months later, the property will be annexed into the city of West Lafayette. West Lafayette should rightly have an interest in its zoning, development, uses, access, landscaping and signage. Pushing this request through is a clear indication to staff that petitioner desires to get the site's zoning in place before the West Lafayette City Council has jurisdiction.

The second troubling issue is there is no guarantee of future uses, some of which may not need General Business zoning, particularly institutional uses. Without a clear idea of end users, this request is premature. Additionally, the western tract has no access on Cumberland. Petitioner will have to coordinate efforts with the neighboring property owner who has a curb cut.

Thirdly, from an undesirable land use standpoint, billboards are permitted by right in unincorporated Tippecanoe County in the GB zone. If this request is approved in the unincorporated county, a billboard could be erected immediately following Commissioner approval of the rezone. Not only would this create unsightly billboards along the brand new highway, when the property is annexed, those billboards would then be non-conforming uses (billboards are only permitted in West Lafayette in the I2 and I3 zones).

As stated before, this property represents an important development opportunity and commercial zoning *is* appropriate. But staff urges petitioner to contemplate an interesting, mixed and vibrant commercial and institutional future for the area. All future development should give consideration to surrounding uses, recognize potential land use incompatibility, and capitalize on opportunities to serve the nearby neighborhoods, visitors, travelers and the community alike. A blanket request for 60+ acres of GB zoning with potential incompatible uses and no clear development plan is not the way to achieve that.

Staff recommends that petitioner continue this request until the property is annexed to allow West Lafayette better input with regards to the site's zoning and development, prevent billboards, and gain a clearer idea of future users so that the zoning will better reflect land uses.

STAFF RECOMMENDATION:

Continuance to the February 19, 2014 Area Plan Commission meeting